

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNDRA MARTINEZ BROWN,

Defendant.

Case No. 1:06-CR-313

Hon. Richard Alan Enslen

ORDER

This matter is before the Court on Defendant Undra Martinez Brown's *pro se* Motion for Appointment of Counsel and Motion to Seal. The Court discerns no reason for oral argument. *See* W.D. Mich. LCrR 47.2(d).

Defendant intends to provide substantial assistance to the United States of America pursuant to Federal Rule of Criminal Procedure 35(b) and requests appointed counsel to represent him. Defendant's request is wholly without merit because the Sixth Amendment to the United States Constitution does not provide a right to counsel for Rule 35(b) proceedings. *See United States v. Taylor*, 414 F.3d 528, 535–37 (4th Cir. 2005); *United States v. Palomo*, 80 F.3d 138, 142 (5th Cir. 1996); *United States v. Ujdak*, No. 1:03-CR-136, 2007 WL 295011, at *4 (W.D. Mich. Jan. 26, 2007). Nor does 18 U.S.C. § 3006A mandate appointment. *See United States v. Reddick*, 53 F.3d 462, 464 (2d Cir. 1995); *United States v. Whitebird*, 55 F.3d 1007, 1011 (5th Cir. 1995); *United States v. McKee*, 309 F. Supp. 2d 1358, 1359 (M.D. Ala. 2004). The Motion to Seal is also not appropriate since confidential and sensitive material is not contained in the document at issue.

THEREFORE, IT IS HEREBY ORDERED that Defendant Undra Martinez Brown's Motion for Appointment of Counsel (Dkt. No. 31) is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion to Seal (Dkt. No. 31) is **DENIED**.

DATED in Kalamazoo, MI:
January 16, 2008

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE